IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 32498 of 2006(R)

PETITIONER:

V.GANGADHARAN UNNI,
STORE KEEPER (RETIRED), DISTRICT TEXT BOOK DEPOT,
PETTAH, THIRUVANANTHAPURAM, RESIDING AT MEETHUR,
KRRA - 55/A, KESAVADEV ROAD, MUDAVANMUGHAL,
POOJAPPURA, THIRUVANANTHAPURAM.

BY ADV. SRI.GOPAKUMAR R.THALIYAL
SRI.N.P.PRAJEESH

RESPONDENTS:

1. THE DISTRICT EDUCATIONAL OFFICER,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

4. THE TEXT BOOK OFFICER,
OFFICE OF THE TEXT BOOK OFFICER,
PADMAVILAS, FORT, THIRUVANANTHAPURAM.

5. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SMT.LAKSHMI RANI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Audit Report on the Accounts of District Text Book Depot, Thiruvananthapuram for the period from 1.5.1999 to 30.6.2003 dated 5.7.2003.

Ext.P2: True copy of the reply submitted by the petitioner dated 11.10.2004.

Ext.P3: True copy of the review report issued by the 4th respondent dated 2.5.2005.

Ext.P4: True copy of the representation submitted by the petitioner before the 1st respondent dated 4.6.2003.

Ext.P5: True copy of the notice issued by the 1st respondent dated 1.3.2006.

Ext.P6: True copy of the reply submitted by the petitioner before the 1st respondent dated 21.3.2006.

Ext.P7: True copy of the notice issued by the 1st respondent dated 29.4.2006.

Ext.P8: True copy of the order passed by the 1st respondent dated 1.6.2006.

Ext.P9: True copy of the order passed by the Accountant General (A&E) Kerala dated 1.7.2003.

Ext.P10: True copy of the order passed by the Accountant General (A&E) Kerala dated 1.2.2004.

Ext.P11: True copy of the order passed by the Accountant General (A&E) Kerala dated 25.10.2004.

Ext.P12: True copy of the proceedings issued by the 2nd respondent dated 28.11.2006.

// True copy //

P.A. to Judge

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A.K.BASHEER, J.

W.P.(C)No.32498 OF 2006

Dated this the 30th day of May, 2007

JUDGMENT

Petitioner retired from service while he was working as Store Keeper in the District Text Book Depot, Pettah in Thiruvananthapuram. This writ petition was filed by him highlighting the grievance that his retiral benefits had been withheld by the respondents arbitrarily. He has sought for appropriate reliefs in this regard.

2. During the pendency of this writ petition, respondent No.2 has issued Ext.P12 proceedings requesting the District Collector, Thiruvananthapuram to initiate action under the Revenue Recovery Act to recover an amount of Rs.3,37,955/- from the petitioner, which is stated to be the liability fastened on him. Of course, it is mentioned in Ext.P12 that the amounts payable to the petitioner towards his DCRG would come to Rs.1,70,775/-. Presumably the said amount has to be adjusted towards the liability. Therefore, the main prayer in the writ petition cannot be granted to the petitioner for the time being

unless and until the question regarding his liability is adjudicated at appropriate level.

3. Learned counsel submits that he will pursue the matter and give his explanation with regard to the alleged liability before the competent authority.

4. Therefore, the writ petition is disposed of with a direction that the competent authority shall decide the question of liability within two months from the date of receipt of a copy of this judgment after affording sufficient opportunity to the petitioner to be heard. It will be open to the petitioner to submit his explanation in the matter. It is made clear that I have not considered the merit of the contentions raised by the petitioner in this writ petition. Till such time, a final decision is taken on the quantum of liability of the petitioner, the recovery proceedings if any initiated against the petitioner shall be kept in abeyance.

Writ petition is closed.

A.K.BASHEER, JUDGE

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